

PETERSSON et al
Serial No. 09/643,653

Atty Dkt: 2789-22
Art Unit: 2661

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification with amendments including those which moot the objections of enumerated paragraph 5 of the Office Action.
2. Supply a replacement Abstract (the sheet attached at the end of this document).
3. Advise the Examiner of the simultaneous filing of Proposed Drawing Changes and replacement Drawings which remedy the allegations of enumerated paragraphs 1 and 2 of the Office Action.
4. Amend claims 1-13, 15-41 and 43-60, e.g., to moot the objections alleged in enumerated paragraph 7 of the Office Action.
5. Amend claim 55 to include therein the express limitations of claims 1 and 44 (see enumerated paragraph 6 of the Office Action).
6. Amend the claims identified in enumerated paragraphs 8 – 23 to moot the rejections thereof under 35 USC §112, second paragraph.
7. Amend preambles of claims where desirable.
8. Respectfully traverse all prior art rejections.
9. Advise the Examiner of the simultaneous filing of a Petition to Extend.

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B. PATENTABILITY OF THE CLAIMS

Claims 1-3, 5, 6, 8, 10, 11, 13-15, 17, 18, 20, 21, 31, 33-36, 38, 39 and 42-44 stand rejected under 35 USC 102(e)¹ as being anticipated by U.S. Patent 6,597,679 to Willars (see enumerated paragraphs 26 a)-r) of the Office Action). Claims 7, 19 and 37 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,597,679 to Willars in view of the allegedly admitted prior art (Figure 1 Prior Art) (see enumerated paragraphs 28 a)-c) of the Office Action). Claims 4, 16, 45 and 46 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,597,679 to Willars in view of U.S. Patent 5,999,580 to Sakoda et al (see enumerated paragraphs 30 a)-b) of the Office Action). All prior art rejections are respectfully traversed for at least the following reasons.

In all independent claims (1, 13, 22, 33, 44, 56 – 60) a time interval for IF measurement is intentionally selectable through an indication signal TIIS. Such is not taught or suggested by U.S. Patent 6,597,679 to Willars or U.S. Patent 5,999,580 to Sakoda et al.

U.S. Patent 6,597,679 to Willars employs the prior art technique of compressed mode IF measurement. The technique of compressed mode IF measurement is described in the background portion of Applicants' disclosure with reference to Fig. 3-1b. That Willars employs the compressed mode IF measurement technique is evident from Fig. 5 – Fig. 7; col 7, line 32-55; and col. 8, 28-67 of U.S. Patent 6,597,679 to Willars.

Specifically, in U.S. Patent 6,597,679 to Willars the system receives a TRIGGER 201 to enter the compressed mode, and it is clear from the beginning where the IF measurement slot is, namely in the slot portion 104B which is the result of the

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compression. Therefore in compression mode the trigger 201 does NOT indicate the measurement time interval. Quite to the contrary, in Willars it is clear from the very beginning when (in which time interval) the IF measurement should be carried out. In this regard, see further the text commencing with "once the slot occurs" in lines 64-65 in col 8. All this means that the IF measurement interval just "occurs" in response to the compressed mode request (line 56 of col. 8) and therefore there is also NO NEED for a time indication signal, which is a second reason why WILLARS neither discloses nor motivates the TIIS signal.

Since Applicants use in claim 1 the TIIS signal, Applicants can PRESET a time interval in which a temporary degradation of the quality is admissible and known by the network.

It cannot be reasonably argued that "indirectly" the TRIGGER of Willars would also indicate the time interval because the TRIGGER really does not provide a time interval indication. Rather, the Willars' TRIGGER only serves as a trigger and the IF interval is ALWAYS the same (i.e. the remaining interval from the compression). There is no disclosure in Willars that the signal 201 in Willars indicates the time interval as in claim 1.

Sakoda is only briefly mentioned on page 17 of the official action and is only cited against claims 4, 16 and 45 in combination with Willars, but does not overcome the deficiency of Willars relative to Applicants' independent claims. Therefore, Applicants need not address Sakoda in detail, other than to mention that Sakoda does also not disclose the time indication signal. The passage referred to by the examiner on col. 10,

¹ Applicants do not presently intend to swear behind the U.S. Patent 6,597,679 to Willars, but do not waive the right to do so.

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lines 56-60 only describes a trigger signal for transmission and anyway Sakoda has no reference to IF measurements.

Incidentally, Applicant's technique can also be utilized in combination with a compressed mode of operation (*see, e.g., claim 11*), but as such the compressed mode of operation is no reason for denying patentability to Applicant's claims.

Claims 56 – 60 were not subject to any prior art rejection, and are therefore deemed allowable.

The Examiner therefore has ample bases for withdrawing all objections and rejections, and for allowing the captioned application.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application, including but not limited to extension of time fees.

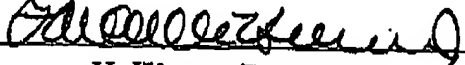
Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

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Respectfully submitted,
NIXON & VANDERHYE P.C.

By: _____


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